

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 28, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-33956 - APPLICANT: RAFAEL MANZANARES -  
OWNER: DARIO PINI**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Tavern – Limited Establishment use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Tavern-Limited Establishment within an existing hotel at 707 Fremont Street. The applicant's request is the result of a previous Special Use Permit (SUP-4366) for a Tavern-Limited Establishment expiring on 03/08/09 after the use was discontinued for six months. As the current request would utilize the same space and amenities as the previously approved facility, staff is recommending approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/16/64	The Board of Commissioners approved a request for a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south.
07/07/04	The City Council approved a request for a Special Use Permit (SUP-4366) for a Tavern-Limited Establishment located at 707 Fremont Street. The Planning Commission and staff recommended approval. This Special Use Permit expired on 03/08/09.
01/14/09	A Code Enforcement case (#73719) was processed for having the rear doors open with vagrants inside at 707 Fremont Street. Code Enforcement closed the case on 01/20/09.
02/04/09	A Code Enforcement case (#74309) was processed for assistance to Fire Prevention, who asked for assistance in checking out the night club and the motel for various code violations and have corrections made in a timely manner at 707 Fremont Street. The case is still open.

<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (H05-01009) was issued for a Hotel (199 rooms or less) at 707 Fremont Street. The license is still active.
10/04/04	A building permit (#4020366) was issued for a non-work certificate of occupancy for a night club at 707 Fremont Street. The permit was finalized on 10/13/04.

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10/14/04	A business license (R09-01262) was issued for a Restaurant (45 or more seats) at 707 Fremont Street. The license was marked out of business on 09/09/08.
10/14/04	A business license (L38-00001) was issued for a Tavern – Limited Establishment at 707 Fremont Street. The license was marked inactive on 09/08/08.
08/14/06	A business license (C05-02474) was issued for a Tobacco Dealer at 707 Fremont Street. The license was marked out of business on 02/11/08.
02/06/09	An application was submitted for a business license (D14-96911) for a Banquet Facility at 707 Fremont Street. The application was marked out of business on 03/06/09 when the applicant failed to respond to a Fire denial letter.
02/06/09	An application was submitted for a business license (B23-96909) for a Banquet Facility at 707 Fremont Street. The application is currently under review.
02/06/09	An application was submitted for a business license (P26-96910) for a Party Planning Service at 707 Fremont Street. The application is currently under review.
03/03/09	An application was submitted for a business license (L38-97367) for a Tavern – Limited Establishment at 707 Fremont Street. The application is currently under review.
04/13/09	A business license (M18-04688) was issued for a Management Consulting Service at 707 Fremont Street. The license is still active.
04/10/09	A building permit (#136019) was issued for a tenant improvement for a night club at 707 Fremont Street. The permit is still active.
04/15/09	An application was submitted for a business license (D19-98398) for a Nightclub at 707 Fremont Street. The application is currently under review.

***Pre-Application Meeting***

03/11/09	A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit for a Tavern – Limited Establishment.
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***Neighborhood Meeting***

A neighborhood meeting was neither required nor held for this application.	
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***Field Check***

04/09/09	A field check was conducted by staff. The subject site is a developed hotel site that is well maintained.
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<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.28 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Hotel	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Retail	MXU (Mixed Use)	C-2 (General Commercial)
East	Retail and Undeveloped	C (Commercial)	C-2 (General Commercial)
West	Parking, Hotel and Retail	C (Commercial)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan (East Fremont)	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **DEVELOPMENT STANDARDS**

- Separation Requirements for Liquor Establishments**

Pursuant to Title 19.06.120(C), for any liquor establishment (tavern), supper club, restaurant service bar, or other liquor-serving establishment that is approved by means of Special Use Permit for a parcel located within the district, the distance separation requirements set forth in Chapter 19.04 shall not apply. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

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• **Parking Requirement**

Pursuant to Title 19.06.120(D), for any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of a Special Use Permit or otherwise for a parcel located within the District, the on-site parking requirements set forth in Chapter 19.10 shall not apply. The Special Use Permit or other approval may include conditions designed to mitigate any impacts related to parking. The following table is provided for reference only, based on the requirements of Title 19.04:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	147 Rooms	1Space / Room	147				
Tavern – Limited Establishment	8,763 SF (3,560 SF Seating, 5,203 SF Remaining)	1 Space/ 50 SF of seating / waiting, plus 1 space / 200 SF of remaining GFA	98				
SubTotal			238	7	145	2	N
TOTAL			245		147		N

**ANALYSIS**

The proposed Tavern – Limited Establishment will occupy the same space as a Tavern – Limited Establishment previously approved by Special Use Permit (SUP-4366), which expired when the use was discontinued for more than six months. No exterior site modifications are proposed, with the exception of the restriping of two handicap accessible spaces to meet the current Title 19.10 requirements. There are a total of 147 parking spaces on the site, including the two handicap accessible spaces. The subject site is located within the Downtown Entertainment Overlay District; therefore, a distance separation from a similar use is not required, and on-site parking requirements do not apply. Staff is recommending approval of this request as the use is appropriate for the Downtown Entertainment Overlay District, and is compatible with the surrounding land uses.

- **Special Use Permits for Tavern-Limited Establishment.**

1. A Special Use Permit for a tavern-limited establishment shall be processed in accordance with the Special Use Permit provisions of LVMC 19.18.060. A Special Use Permit for this use may be approved if it meets the Special Use Permit criteria generally, the criteria for a Tavern-Limited Establishment, and the criteria set forth in Subsection (F).
2. The approval of a Special Use Permit for a tavern-limited establishment may include such conditions as may be recommended by City staff and the Planning Commission, and imposed by the City Council.

There are no Minimum Special Use Permit Requirements for the proposed use.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Tavern – Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district, with the approval of a Special Use Permit, and is the type of use that is encouraged in the Downtown Overlay District. It can be conducted in a manner that is harmonious and compatible with the surrounding land uses, and with the future surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of the proposed Tavern – Limited Establishment. A previously approved Tavern – Limited Establishment was operated on the subject site using the same facilities from 10/14/04 until 09/08/08.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided by Fremont Street, an 80-foot Secondary Collector, and 7<sup>th</sup> Street, an 80-foot Local Street, as designated by the Master Plan of Streets and Highways. Both of these streets are adequate to meet the requirements of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

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The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable conditions of Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 284

**APPROVALS** 1

**PROTESTS** 0